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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

MARCOS ASTUDILLO,

Defendant and Appellant.

2d Crim. No. B206354
(Super. Ct. No. LA051943)
(Los Angeles County)

Marcos Astudillo appeals the judgment entered after a jury convicted him of the second degree murder of Maria Aguirre-Cana Lopez (Pen. Code, §§ 187/189). The jury also found true allegations that Astudillo personally used and discharged a firearm in committing the offense (Pen. Code, § 12022.53, subds. (b), (d)). The trial court sentenced him to a total term of 40 years to life state prison, consisting of 15 years for the murder plus a consecutive 25 years to life for the firearm use allegations.

On the afternoon of February 3, 2006, Astudillo began drinking beer at his house with several of his friends. Over the course of the evening, Astudillo drank 10 or 12 beers and used crystal methamphetamine. Sometime between 10:00 and 11:00 p.m., Astudillo left with Damien Talamante and "Pancho" to find someone named "Mana." According to Astudillo, the victim, whom he knew as Claudia, had solicited Mana to beat him up after Astudillo kicked Claudia out of his house for stealing his jewelry.

Pancho drove Astudillo and Talamante to Sherman Way in San Fernando to look for Mana. When they were unable to find him, they went looking for Claudia to see if she knew where Mana was. Astudillo saw Claudia walking down the street and got out of Pancho's car to talk to her. After Astudillo and Claudia walked to a location where neither Pancho nor Talamante could see them, Astudillo asked Claudia if she knew where he could find Mana. Claudia told him she did not know where Mana was, and that if she did know she would not tell him. As Claudia walked away, Astudillo pulled out a gun and shot her four times.

Astudillo ran back to Pancho's car with the gun in his hand and said he had "hit Claudia." Pancho drove Astudillo to a friend's house in Santa Ana, where he disposed of the gun. The next day, Astudillo told two of his sisters that he had "hit someone."

At approximately 2:00 a.m. that morning, the police discovered the victim, who was pronounced dead at the scene. She had suffered gunshot wounds to her head and her left arm, hip, and thigh.

On September 9, 2006, Astudillo was arrested after he attempted to enter Mexico through Tijuana. In a taped interview that was played and transcribed for the jury, he admitted shooting the victim.

We appointed counsel to represent Astudillo on appeal. After examining the record, counsel filed an opening brief in this court raising no issues and requesting that we independently examine the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

On August 25, 2008, we advised Astudillo that he had 30 days in which to submit a written brief or letter stating any contentions or arguments he wished us to consider. We received no response.

We have reviewed the record and are satisfied that Astudillo's attorney has fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende, supra*, 25 Cal.3d at p. 441.)

The judgment is affirmed.
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PERREN, J.

We concur:

GILBERT, P.J.

YEGAN, J.

Martin L. Herscovitz, Judge
Superior Court County of Los Angeles

John A. Colucci, under appointment by the Court of Appeal, for Appellant.
No appearance for Respondent.